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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 WELTONIA HARRIS,

9 Plaintiff(s),

10 v.

11 U.S. PHYSICAL THERAPY, INC.,

12 Defendant(s).
13

2:10-CV-1508 JCM (VCF)

14 **ORDER**

15 Presently before the court are the report and recommendation of Magistrate Judge Cam
16 Ferenbach (doc. #53) regarding plaintiff Weltonia Harris' motion for preliminary approval of class
17 action and related orders (docs. #47 and #48). No objections to the report and recommendation have
18 been filed.

19 This court "may accept, reject, or modify, in whole or in part, the findings or
20 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
21 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
22 determination of those portions of the [report and recommendation] to which objection is made."
23 28 U.S.C. § 636(b)(1).

24 Where a party fails to object, however, the court is not required to conduct "any review at all
25 . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
26 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
27 judge's report and recommendation where no objections have been filed. *See United States v.*
28

1 *Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
2 district court when reviewing a report and recommendation to which no objections were made); *see*
3 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
4 decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any
5 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
6 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
7 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation
8 to which no objection was filed).

9 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
10 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
11 and underlying briefs, this court finds good cause appears to ADOPT the magistrate’s findings in
12 full.

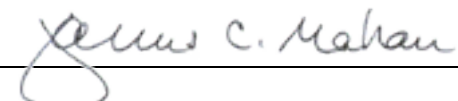
13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
15 recommendation of Magistrate Judge Cam Ferenbach (doc. #53) be, and the same hereby are,
16 ADOPTED in their entirety.

17 IT IS FURTHER ORDERED that plaintiff Weltonia Harris’ motion for preliminary approval
18 of class action settlement and related orders (docs. #47 and #48) be, and the same hereby are,
19 GRANTED.

20 IT IS FURTHER ORDERED that the final fairness hearing, and the scheduling therefor, be
21 remanded to Magistrate Judge Cam Ferenbach.

22 DATED August 9, 2012.

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25 _____
26 UNITED STATES DISTRICT JUDGE
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